



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION FOR THE  
IVANPAH SOLAR ELECTRIC  
GENERATING SYSTEM**

**DOCKET No. 07-AFC-5**

### **REVISED COMMITTEE SCHEDULING ORDER**

On October 31, 2007, the Application for Certification (AFC) filed by Solar Partners, LLC (Applicant), was deemed data-adequate for the twelve-month review process prescribed in Public Resources Code section 25540.6.

The U.S. Bureau of Land Management (BLM) is concurrently deciding whether to issue a right-of-way (ROW) grant and amend the 1980 California Desert Conservation Area Plan to allow the Applicant to use the proposed site, which is on federal lands. The BLM and Commission staffs are preparing a joint environmental analysis to satisfy both the California Environmental Quality Act (CEQA), applicable to the Energy Commission's decision, and the National Environmental Policy Act (NEPA), which applies to the BLM's decisions.

The Committee conducted a public Informational Hearing on January 25, 2008, to discuss the schedule and other issues of concern. On January 31, 2008, September 26, 2008, and October 29, 2008, we issued Committee Schedules for this case. For various reasons, the milestone dates in those schedules were not met, necessitating revision of the schedule. The milestones in the most recent schedule have now passed, and further revision of the schedule is in order. We also take this time to provide more precise details about the events between the release of the Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS) and our Evidentiary Hearings in order to give the parties advance notice of those deadlines.

We requested that the parties comment on the schedule in their most recent status reports and allowed for reply comments. On May 18, 2009, at the Applicant's request, we held a Committee Conference to review the status and schedule to complete this proceeding. The Applicant would like to receive federal stimulus funds for renewable energy projects. In order to do so, it must begin construction in 2010. Taking into account limitations on desert tortoise relocation to portions of the spring and fall and

other preconstruction requirements, it requests a schedule that provides a final Commission decision no later than January, 2010. Commission and BLM staff would like to accommodate that schedule, however, as of the Committee Conference, we are still in need of certain information from the Applicant. Once all necessary information is provided, they believe they can publish the FSA/DEIS within 45 days. The Applicant asserts that the information Staff requests is not necessary for either the Commission staff's analysis or BLM's DEIS. The Commission's Public Adviser requests that we allow sufficient time between the release of the FSA/DEIS and our Evidentiary Hearing for the public to digest and prepare comments and that the public be allowed to submit comments to both agencies in a single oral or written communication.

The key event is the publication of the FSA/DEIS. Our Evidentiary Hearings cannot begin until after its release, nor can the BLM's 90-day public comment period start. The Applicant cannot begin construction until both Energy Commission and BLM permits are approved. While it may be that some of the information the Staffs are requesting prior to publication of the FSA/DEIS would normally be provided during the pre-construction review following approval of a Energy Commission permit, that is apparently not the BLM's approach. Whether provided before or after approval, the information must be provided before construction begins. In a joint process, the more stringent informational requirements—in this case BLM's—take precedence.

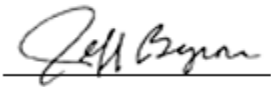
The revised schedule is attached. It contains formulaic intervals between the key remaining events. Staff is required to notify us when all information necessary for the publication of the FSA/DEIS has been provided in order to allow us to reserve dates for the remaining events. Formal notice of those events will not be issued immediately but we will endeavor to communicate the tentative dates to the parties for planning purposes.

This schedule allows for the continued coordination of the Energy Commission and BLM processes. We believe that a separation would not benefit the timely delivery of a decision to the Applicant, effective public participation, or the efficient use of Staff resources. The 90 day comment period on the DEIS can be accommodated in our process by holding the time for submitting comments open past the Evidentiary Hearings, if necessary. Doing so will not impede the timely preparation of the Presiding Member's Proposed Decision (PMPD). If necessary, comments filed at the end of the comment period can be considered during the DEIS comment period for the PMPD.

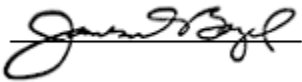
We thank the Staffs for their efforts to date and encourage them to continue to work toward publication of the FSA/DEIS and preparation for our hearings.

The Committee may modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).] The frequency of Status Reports is increased to four week intervals to aid in our monitoring of progress.

Dated June 2, 2009, at Sacramento, California.

A handwritten signature in cursive script, reading "Jeff Byron", written over a horizontal line.

JEFFREY D. BYRON  
Commissioner and Presiding Member  
Ivanpah AFC Committee

A handwritten signature in cursive script, reading "James D. Boyd", written over a horizontal line.

JAMES D. BOYD  
Vice Chair and Associate Member  
Ivanpah AFC Committee

**REVISED COMMITTEE SCHEDULE**  
**FOR THE**  
**IVANPAH SOLAR ELECTRIC GENERATING SYSTEM**  
**(07-AFC-5)**

<b>DATE</b>	<b>EVENT - Related BLM Actions are Shown for Convenience</b>
October 31, 2007	AFC data adequate
January 4, 2008	Staff conducts data response/issue resolution workshop
January 25, 2008	Site Visit and Informational Hearing
February 28, 2008	Local, State, and Federal Agency draft determinations, including air district's Preliminary Determination of Compliance (PDOC) filed
Late March, 2008	Staff conducts data response/issue resolution workshop
Winter – Summer, 2008	Data exchanged among parties
September 22, 2008	Applicant Files Data Responses required by Staff to complete its preliminary analysis
October 15 & 27, 2008	Committee Conference
December 5, 2008	Staff publishes Preliminary Staff Assessment (PSA)
<b>When all concerned agencies' concerns are addressed</b>	<b>Formal consultation on Biological Assessment initiated</b>
December 30, 2008	Local, State, and Federal Agency final comments and determinations, including air district's Final DOC filed
January 9, 2009	Staff conducts PSA workshops
May 18, 2009	Committee Conference
Tbd	Staff notifies parties that all information necessary to finish the Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS) has been submitted
June 26, 2009 and every four (4) weeks thereafter until the FSA/DEIS is filed	Parties file Status Reports
45 days after staff notice of all information submitted	Staff files Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS)
<b>45 days after staff notice of all information submitted</b>	<b>BLM Notice of Availability (NOA) of DEIS published</b>
FSA/DEIS + 2 weeks	Applicant's opening testimony and preliminary identification of contested issues filed and served
FSA/DEIS + 4 weeks	Staff and other parties file and serve opening testimony (other than FSA/DEIS) and Prehearing Conference Statements; Applicant files Prehearing Conference Statement
FSA/DEIS + 5 weeks	All parties file rebuttal testimony and identify which materials referred to in other parties' opening testimony of which they want copies
FSA/DEIS + 5 weeks	Prehearing Conference
FSA/DEIS + 6 weeks	All requested material is served on all other parties

**REVISED COMMITTEE SCHEDULE (CONTINUED)**

<b>DATE</b>	<b>EVENT - Related BLM Actions are Shown for Convenience</b>
FSA/DEIS + 7 weeks	Evidentiary Hearings
3 weeks after Evidentiary Hearings close	Post hearing briefs filed
<b>90 days after NOA published</b>	<b>BLM DEIS public comment period ends</b>
6 - 7 weeks after Evidentiary Hearings close	Presiding Member's Proposed Decision (PMPD) issued for 30-day comment period
90 days after NOA published or close of Evidentiary Hearings (whichever is later)	FSA public comment period ends. Oral comments may be made during the Evidentiary Hearings; after the hearings close, comments must be made in writing. Comments submitted after the PMPD is issued will be considered as comments on the PMPD
Approx. 25 days after PMPD issued	PMPD comment hearing
35 days after PMPD issued	Revised PMPD issued* for 15-day (30 days if significant environmental information added) review period*
Tbd	Federal Biological Opinion issued (or its content known with sufficient certainty)
As FEIS final approaches publication	Energy Commission Final Decision adoption hearing
<b>Tbd</b>	<b>BLM NOA of FEIS published</b>
30 days after Commission adoption hearing	Judicial review period for Energy Commission Decision ends
60 days after NOA of FEIS published	Governor's consistency review period ends (this schedule assumes the Governor finishes his review in 30 days)
<b>30 days after NOA of FEIS published</b>	<b>FEIS protest period ends</b>
<b>Shortly after FEIS protest period ends</b>	<b>BLM issues Record of Decision, Right of Way grant and Plan Amendment</b>

Tbd = to be determined

\* = if necessary

Issued: June 2, 2009